

IN THE UNITED STATES OF DISTRICT COURT
FOR THE WESTERN DISTRICT OF LOUISIANA
LAKE CHARLES DIVISION

IN RE:) Criminal Case No. 2:21-MJ-00036
) Judge Cain
DESTRUCTION OF A TAURUS) Magistrate Judge Kay
9MM G2C FIREARM)
(SN#ABN325538) AND)
MAGAZINE WITH FIVE 9MM)
ROUNDS OF AMMUNITION)

**ORDER AUTHORIZING THE DESTRUCTION
OF CERTAIN FIREARMS AND AMMUNITION**

Before the Court is the Government's motion for an order authorizing the destruction of a Taurus 9mm G2C semi-automatic firearm with serial number ABN325538 (Taurus Firearm) and its magazine with five 9mm rounds of ammunition (9mm rounds).

Upon consideration of said motion, the Court finds that:

1. The United States Customs and Border Protection, Border Patrol New Orleans Sector (the "Agency") currently has in its possession the Taurus Firearm and 9mm rounds. The Agency seized the Taurus Firearm and 9mm rounds in connection with the prosecution of Luis Antonio Contreras-Benitez, a citizen and national of Mexico illegally present in the United States. On March 29, 2021, Criminal Case No. 2:21-MJ-00036 against Mr. Contreras-Benitez was dismissed. Mr. Contreras-Benitez was not the lawful owner of the firearm. The lawful owner has not claimed the Taurus Firearm and 9mm rounds despite proper notice.

2. Without an order of this Court authorizing the Agency to destroy the firearm and ammunition described herein, the Agency will be required to maintain the firearm


and ammunition, at an ever-increasing cost, custody and control of the firearms and ammunition for an indefinite period of time. There would not be any corresponding benefit to the public in having the Agency maintain custody and control of the firearm and ammunition.

3. Currently, there is no specific statute authorizing the destruction of the firearms and ammunition in the circumstances described herein. However, the All Writs Act authorizes “[t]he Supreme Court and all courts established by Act of Congress...[to] issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.” 28 U.S.C. § 1651(a). As the Supreme Court explained, “[t]he All Writs Act is a residual source of authority to issue writs that are not otherwise covered by statute.” *Pennsylvania Bureau of Correction v. United States Marshals Service*, 474 U.S. 34, 43 (1985); *see also Harris v. Nelson*, 394 U.S. 286, 299 (1969) (quoting *Price v. Johnson*, 334 U.S. 266, 282 (1946)) (All Writs Act “has served...as a ‘legislatively approved source of procedural instruments designed to achieve the rational ends of the law.’”).

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

The Government Agency shall destroy the above-captioned Taurus Firearm and 9mm rounds.

SO ORDERED this 9th day of October 2023, at Lake Charles, Louisiana.



KATHLEEN KAY
UNITED STATES MAGISTRATE JUDGE